

10/555725

JC20 Rec'd PCT/PTO 07 NOV 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Day et al.  
Appl. No.: PCT/EP04/004833  
Filed: 6 May 2004  
Title: VISUALLY ATTRACTIVE, FRESHLY PREPARED EXTRUDED FAT-BASED  
CONFECTIONERY PRODUCT WITH TEMPORARY FLEXIBILITY HAVING ENHANCED  
MELT-IN-THE-MOUTH PROPERTIES, METHOD AND APPARATUS OF DISPENSING  
THE SAME  
Art Unit: Unknown  
Examiner: Unknown  
Docket No.: 112701-678

Mail Stop PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING BY EXPRESS MAIL UNDER 37 CFR 1.10

Sir:

I hereby certify that the following documents relating to the above-identified application:

1. Transmittal Letter (2 pages) (duplicate);
2. Copy of International Application As Filed (35 pages);
3. Copy of Written Opinion of the International Searching Authority (7 pages);
4. Copy of International Search Report (7 pages);
5. Unexecuted Declaration (3 pages);
6. Power of Attorney (1 page);
7. Preliminary Amendment (55 pages);
8. Check in the Amount of \$1,800.00; and
9. Return Receipt Postcard.

are being deposited with the United States Postal Service with sufficient postage as Express Mail in an envelope addressed to:

Mail Stop PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

on November 7, 2005

Respectfully submitted,

BELL, BOYD & LLOYD LLC

Heather Foster

Name of Person Mailing Correspondence

Signature

EV 351 267 350 US

Express Mail Mailing Label Number

FORM PTO-1350 (Modified) U.S. PATENT AND TRADEMARK OFFICE; U.S. DEPARTMENT OF COMMERCE  
(REV. 2-2005)

ATTORNEY'S DOCKET NUMBER

112701-678

**TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A SUBMISSION UNDER 35 U.S.C. 371**

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

**10/555725**

INTERNATIONAL APPLICATION NO.

PCT/EP04/004833

INTERNATIONAL FILING DATE

6 May 2004

PRIORITY DATE CLAIMED

6 May 2003

TITLE OF INVENTION

**VISUALLY ATTRACTIVE, FRESHLY PREPARED EXTRUDED FAT-BASED CONFECTIONERY PRODUCT WITH  
TEMPORARY FLEXIBILITY HAVING ENHANCED MELT-IN-THE-MOUTH PROPERTIES, METHOD AND APPARATUS...**

APPLICANT(S) FOR DO/EO/US

Day et al.

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a submission under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a submission under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (24) indicated below.
4. ☒ The US has been elected (Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371 (c)(2))
  - a. ☒ is attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ has been communicated by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
  - a. ☐ is attached hereto.
  - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
  - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ have been communicated by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☒ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
10. ☐ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).
11. ☐ A copy of the International Preliminary Examination Report (PCT/IPEA/409).
12. ☒ A copy of the International Search Report (PCT/ISA/210).

Items 13 to 23 below concern document(s) or information included:

13. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
14. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
15. ☒ A **FIRST** preliminary amendment.
16. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
17. ☐ A substitute specification.
18. ☐ A power of attorney and/or change of address letter.
19. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.
20. ☐ A second copy of the published International Application under 35 U.S.C. 154(d)(4).
21. ☐ A second copy of the English language translation of the International Application under 35 U.S.C. 154(d)(4).
22. ☒ Express Mail Label No. **EV 351 267 350 US**
23. ☒ Other items or information:

Written Opinion of the International Searching Authority (7 pages)

Power of Attorney (1 page)

Return Receipt Postcard

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

U.S. APPLICATION NO. (if known, see 37 CFR 1.5) <b>10/555725</b>		INTERNATIONAL APPLICATION NO. <b>PCT/EP04/004833</b>		ATTORNEY'S DOCKET NUMBER <b>112701-678</b>	
The following fees are submitted:				<b>CALCULATIONS</b>	<b>PTO USE</b>
24. <input checked="" type="checkbox"/> Basic national fee .....		\$300		\$	\$300.00
25. <input checked="" type="checkbox"/> Examination fee If International preliminary examination report prepared by USPTO and all claims satisfy provisions of PCT Article 33(1)-(4). ....		\$100		\$	\$200.00
All other situations. ....		\$200			
26. <input checked="" type="checkbox"/> Search fee .....					
Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority .....		\$100			
International Search Report prepared and provided to the Office .....		\$400			
All other situations. ....		\$500		\$	\$500.00
<b>TOTAL OF 24, 25 and 26 =</b>				\$	\$1,000.00
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.					
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole)		RATE	
- 100 =	0	/50 =	0	x \$250.00	\$ \$0.00
Surcharge of \$130.00 for furnishing the oath or declaration later than months from the earliest claimed priority date (37 CFR 1.492(e)).				\$	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total claims	32 - 20 =	12	x \$50.00	\$	\$600.00
Independent claims	4 - 3 =	1	x \$200.00	\$	\$200.00
MULTIPLE DEPENDENT CLAIMS (if applicable) <input type="checkbox"/> + \$360.00				\$	\$0.00
<b>TOTAL OF ABOVE CALCULATIONS =</b>				\$	\$1,800.00
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.				\$	\$0.00
<b>SUBTOTAL =</b>				\$	\$1,800.00
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				\$	\$0.00
<b>TOTAL NATIONAL FEE =</b>				\$	\$1,800.00
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40 per property +				\$	\$0.00
<b>TOTAL FEES ENCLOSED =</b>				\$	\$1,800.00
				Amount to be	\$
				Amount to be	\$
<p>a. <input checked="" type="checkbox"/> A check in the amount of \$ <u>\$1,800.00</u> to cover the above fees is enclosed.</p> <p>b. <input type="checkbox"/> Please charge my Deposit Account No. _____ in the amount of _____ to cover the above fees. A duplicate copy of this sheet is enclosed.</p> <p>c. <input checked="" type="checkbox"/> The Director is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>02-1818</u>. A duplicate copy of this sheet is enclosed.</p> <p>d. <input type="checkbox"/> Fees are to be charged to a credit card. <b>WARNING:</b> Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</p> <p><b>NOTE:</b> Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.</p> <p>SEND ALL CORRESPONDENCE TO: <b>Robert M. Barrett (30,142)</b> Customer No.: 29157</p>					
				SIGNATURE	
				<b>Robert M. Barrett</b>	
				NAME	
				<b>30,142</b>	
				REGISTRATION NUMBER	